

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

Ana R. Olivella Rivera
PLAINTIFF

Vs.

Popular Leasing and Rental, Inc.,
and others.

DEFENDANTS

Civil No. 98-2267

**CREDIT COLLECTION
DAMAGES**

**MOTION REQUESTING ELIMINATION
OF PLEADING AND DEFAULT**

TO THE HONORABLE COURT:

COMES NOW Plaintiff through the undersigned attorneys and respectfully alleges and prays:

1. Defendant Popular Leasing and Rental have not complied with the order dated December 20, 2005, whereby it was granted to comply until December 23, 2005 at noon. Popular Leasing and Rental is represented by attorney David López Pumarejo.

2. Again for the third time Popular Leasing and Rental have not complied with these orders of the Honorable Court to wit:

a) To produce the transcript of Sylvia Cardona.

b) Its nonappearance at the pre-trial conference held in this case on November 29, 2005.

c) Failure to show cause for said non appearance.

d) Failure to pay the imposed sanctions.

e) Lastly, failure to produce as a witness Mrs. Sylvia Cardona.

3. Due to the outright temerity of Popular Leasing and Rental it is respectfully requested that extraordinary sanctions be to Popular Leasing and Rental, to wit:

a) Elimination of all pleading regarding said party in their answer to complaint.

b) Entering a default judgment against Popular Leasing and Rental.

c) Payment of attorney fees.

d) Elimination from record of the motion for summary jointly entered by Popular Leasing and Rental and Banco Popular of Puerto Rico, which are corporate legal entities which have consolidated financial and operational activities.

4. These sanctions are requested after the Honorable Court have granted sufficient time for said party to properly appear before this Honorable Court. At this moment Popular Leasing and Rental has not appeared before noon December 23,2005.

RESPECTFULLY SUBMITTED.

I CERTIFY that on this same date I have filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Attorney Ana María Otero and Attorney David López Pumarejo, at P.O. Box 195351, San Juan, PR 00919-5351 by regular mail.

In Caguas, Puerto Rico, this 23 days of December, 2005.

/RAFAEL A. OLIVERAS LOPEZ DE VICTORIA
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